

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

David Billups,  
Plaintiff

Case No. C-1-01-377

vs

James McWeeney, et al.,  
Defendants

**ORDER**  
(Spiegel, J.; Hogan, M.J.)

This matter is before the Court on plaintiff's motion to depose Dr. Dulan. (Doc. 145). The discovery plaintiff seeks through a deposition of Dr. Dulan relates to issues and claims already dismissed by the Court. See Doc. 133. Therefore, plaintiff's motion is **DENIED** as moot.

**IT IS SO ORDERED.**

Date: 2/20/2004

s/Timothy S. Hogan  
Timothy S. Hogan  
United States Magistrate Judge